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## 1033 Kidnapping-18 U.S.C. §§ 1201, 1202

Conviction for the offense of kidnapping requires proof of transportation in interstate commerce, of an unconsenting person, who is held for ransom or reward or otherwise, where the accused's acts were knowingly and willfully committed. *See United States v Osborne*, 68 F.3d 94 (5th Cir. 1995) *See also United States v. Crosby*, 713 F.2d 1066 (5th Cir.); *cert. denied*, 464 U.S. 1001 (1983) Proof is not required that the accused carried out the kidnapping for personal financial gain. *See United States v. Childress*, 26 F.3d 498 (4th Cir. 1994), *cert. denied*, \_\_\_U.S.\_\_\_, 115 S Ct. 1115 (1995). Situations falling within the "or otherwise" language of the statute have included those where the purpose of the kidnapping was to silence a potential witness, *see United States v Satterfield*, 743 F.2d 827 (11th Cir. 1984), *on remand*, 599 F. Supp. 958, *cert. denied*, 471 U.S. 1117 (1985), and kidnapping for the purpose of sexual gratification, *see United States v. McBryar*, 553 F.2d 433 (5th Cir.), *cert. denied*, 434 U S 862 (1977) Section 2A4 1 of the United States Sentencing Commission's guidelines governs kidnapping offenses.

[cited in USAM 9-60.100]

